

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICOLAE MUNTEAN,

Defendant.

CR 17–22–BU–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on December 16, 2019. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).


Judge DeSoto recommended this Court accept Nicolae Muntean’s guilty plea after Muntean appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of bank fraud in violation

of 18 U.S.C. § 1344(1) and (2) (Count II), as set forth in the Superseding Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts I and III of the Superseding Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 100), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Nicolae Muntean's motion to change plea (Doc. 93) is GRANTED and Nicolae Muntean is adjudged guilty as charged in Count II of the Superseding Indictment.

DATED this 3rd day of January, 2020.

  
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Dana L. Christensen, Chief District Judge  
United States District Court